

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 24, 2004. Claims 1 and 3 to 34 are currently in the application, with Claim 2 having been cancelled herein. Claims 1, 16, 21, 24 and 30 to 34 are the independent claims. Reconsideration and further examination are respectfully requested.

Applicants have amended the first paragraph of the specification to update the information for the referenced application. Withdrawal of the objection to the specification is respectfully requested.

Claims 1 to 7, 9 and 16 to 19 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,618,630 (Jundt); and Claims 8, 10 to 15 and 20 to 34 were rejected under 35 U.S.C. § 103(a) over Jundt in view of the FC-1 Data Sheet. Applicants have carefully reviewed the claims together with the applied references and respectfully submit that the claims are patentably distinguishable over the applied references for at least the following reasons.

Initially, Applicants note that the FC-1 Data Sheet describes a commercial embodiment of the present invention produced by the original assignee of the subject application. Since this document, which is dated July 31, 2000, does not pre-date the subject application by more than one year, it does not qualify as prior art to the application. Accordingly, removal of the FC-1 Data Sheet as prior art and withdrawal of the § 103(a) rejection of Claims 8, 10 to 15 and 20 to 34 are respectfully requested.

Turning to the § 102(e) rejection, the present invention concerns a communication device or controller that facilitates communication using various communication standards. According to one embodiment of the invention, the device or controller is

implemented in an integrated circuit. Independent Claims 1 and 16, as well as independent Claims 24 and 34, have been amended to emphasize this aspect of the invention. Jundt is not understood to disclose or even suggest implementing such a communication device or controller in an integrated circuit.

Jundt is understood to concern a process controller that is coupled to field devices with which the controller communicates via communication lines. The Office Action contended that Figure 1 and column 3, line 56, to column 4, line 66, discloses a processor, memory and communication circuits being integrated in a single integrated circuit. Applicants respectfully disagree with this interpretation of Jundt.

Jundt describes a process controller that communicates with field devices using one or more detachable input/output cards. See column 3, line 63, to column 4, line 1. The attached input/output cards facilitate communication with the field devices using respective communication standards. See column 4, lines 44 to 52. However, nothing in Jundt is understood to describe this communication system being implemented in an integrated circuit. Furthermore, the Delta V controller, which is identified as an example of a process controller in column 3, lines 64 and 65, is clearly understood by those skilled in the art not to be a single integrated circuit. Therefore, Jundt is not understood to disclose or suggest the features of the communication controller and device claimed in Claims 1 and 16, respectively.

Accordingly, independent Claims 1 and 16 are believed to be allowable over Jundt. Reconsideration and withdrawal of the § 102(e) rejection of Claims 1 and 16 are respectfully requested.

Serial No.: 09/780,979

Claims 3 to 7, 9 and 17 to 19 are dependent from independent Claims 1 and 16 discussed above and therefore are believed to be patentable over Jundt for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of these claims on their own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is now believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Orange County office by telephone at (949) 851-0633. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Andrew D. Mickelsen

Registration No. 50,957

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-0187
(949) 851-0633 ADM:wrj
Facsimile: (949) 851-9348
Date: November 11, 2004

ORC 351160-1.071194.0011